

THE NEW WATER RATES.

Want of Legal Authority by the Commissioners.

Acts of Congress cited—The Corporation Ordinance of 1850—The Tax Made an Annual One Payable in January of Each Year—No Change of Contract Before January Next—Law Disregarded.

Unauthorized Action of the Commissioners. To the Editor of the National Republic:

SIR: Some time since a communication was submitted to the Commissioners, in which it was attempted to be shown that their order of June 30, establishing water rates on a new basis, and at increased rates, could not properly be given effect before the 1st of January, 1880. The Commissioners took their authority "subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States, relating to the District of Columbia."

One of the "limitations" require water rates to be established "at a scale of annual rates." This was in the original act donating the water works.

Under the annual water rates were established by ordinances of the Corporation of Washington in 1850, and made payable in advance "on the first day of January in each year," and if not paid within thirty days the water should be cut off, with penalty to be paid before it should be turned on again.

This remained unchanged up to the promulgation of the order of June 30, 1879. Under it all bills were made out and collections made from January 1 to January 1 of each year. It was thus the law and custom for twenty years.

There existed a regular lease or contract between the corporation and the water taker. It was so considered and treated from the beginning.

In the same ordinance of 1850, establishing the annual rates, it was provided "that the following regulations shall be considered a part of the contract with any person who takes the water."

This was required to be printed with such regulations "upon every bill for water rent." If these were printed, and will be found on the bills rendered for 1879.

If these regulations formed a "part" only, what was the whole contract? The main contract was that the corporation should furnish the water for the year for which the rate became due and payable from the taker; and on the part of the taker that he would pay the whole rent due for the year in advance, within thirty days from the 1st of January.

This then was the nature of the case on the 1st of January, 1879.

Bills were rendered:

Taker—"To the District of Columbia, Dr., from January 1, 1879 to January 1, 1880, \$-."

It is admitted that neither the Water Register nor the Commissioners had authority to change the law, or contract, at that time.

The Commissioners were asking for power, which was not granted until the 10th of June following.

Yet, though some paid the whole rent due for the year, yet payment was refused from others beyond the 1st of July.

Thus, in respect to the law, the rent actually due by law, and custom, and contract, was received.

There was no authority anywhere for this action.

It was, in fact, in violation of law and duty—unless there be somewhere an act of Congress granting the privilege to the water taker, to divide and pay his rents, as he does his taxes.

I have no knowledge of any such act, or of any such division of water rents before.

Now, if it was the right and duty of the Corporation to demand and have the water rent for the year 1879, on the 1st of January, and furnish water for the whole year, and it was also the right and duty of the taker to have the water for the year, and to pay the whole rent due therefor, then such action on the part of the Corporation, though dictated by the Commissioners, either in view of obtaining the legislation to change the law, or in view of the terms of the lease to make the time of payment all due at the end, or commencement of the fiscal year, did not affect the rights and duties of the parties under the law and contract, but they remained precisely the same, though payment was postponed of one-half the rent to a more convenient time.

Thus, if no act of June 10 had been passed by Congress the other half of the rent, then due under the old law and contract would have been enforced.

By what right or authority could the collector refuse to accept the whole rent, then due at any time up to the very last day of June, when the Commissioners, acting under their young authority, promulgated their order changing and increasing the rates?

Before that there can be no question, there was but the law and custom referred to under which rents for 1879 had become due and the rights and duties and obligations of Corporation and taker fixed.

Could the Commissioners, under their newly acquired authority, go back and wipe their rights, duties and obligations?

Could they make a legal order impairing the validity of the contract?

Could they sweep away "vested rights"? Could they, on the part of the District, set aside and annul the lease or contract upon which both had entered, and then demand of the taker an increase of the rent which had long been due?

Had they authority to make an order thus retroactive in its effect?

For mid—the rent became due and fixed as an obligation on the part of the taker—not by virtue of any act of Registrar, Collector, or Commissioners, but by law and ordinance and custom, which alone established and fixed it for the whole year. Not for a month, or six months, or any part of a year, but for the whole year 1879.

Was it not premature to give effect to the order on the next day after it was published?

Should it not have been made to take effect on the 1st of January, 1880?

It was suggested that the order of June 30 recalled the other half of rent due on the bills rendered for 1879, remaining unpaid, be collected, and that time for perfecting new regulations to go into effect from and after January 1, 1880, more acceptable to the public.

But my communication went to the waste basket, with a veto mark "not in file."

Perhaps not; yet I would like to have the point considered by the people, and perhaps in the end it may be found that there is something in it.

RIDDLED WITH BULLETS.

How a Democratic Magistrate in Virginia Administers Justice to the Negro.

Last Thursday Felix Quander, the colored man who so barbarously treated in February last in Fairfax County, Va., was again the victim of another terrible outrage perpetrated by the same party. In February Quander, after being arrested on a false charge of stealing chickens, which he proved to have been his own, had his house surrounded by a mob of chivalrous whites, about thirty in number, headed by Trues, the man that charged him with stealing his own chickens, who fired on him and his defenseless family, wounding nearly all of them and destroying the sight of one of his sons. Following are the facts of the latest outrage as learned by THE REPUBLICAN.

On Thursday Quander's house was visited by a constable, who said he had a search-warrant, and he failed to show it, and demanded an old harness that Quander had been pawning for nearly two years, saying that it had been stolen from one Connor, who had only been in the place three years. Quander at once produced the harness, and he and his wife were arrested and taken to the jail for a crime of which he was not guilty, broke and ran from his persecutors, and at once became a target for all the chivalrous whites of the neighborhood, who literally riddled him with stones and other missiles, thereby making good his threat, and laid in the woods till next morning, when he came to this city. He is now under medical treatment, and if he recovers he proposes to seek redress in the law.

This man's sole offense is that he is thrifty and independent, a crime not to be tolerated by the enlightened Democracy of Fairfax County.

The following is the recapitulation of the statement of the public debt of the United States for the month of June, 1879, just issued:

Interest-bearing debt: Bonds at 6 per cent. \$28,681,320.00 Bonds at 5 per cent. 7,440,250.00 Bonds at 4 1/2 per cent. 250,000.00 Bonds at 4 per cent. 734,722.50 Floating debt. 6,628,320.00 Naval pension fund. 14,000.00

Total. 1,706,912,891.00

Debt on which interest has ceased since maturity. 78,737,850.25

Debt bearing no interest: Out debt and legal-tender notes. 346,742,481.00 Certificates of deposit. 40,500,000.00 Treasury currency. 12,814,822.25 Gold and silver certificates. 18,920,550.00

Total. 429,913,854.25

Total debt. 2,236,561,295.25

Interest. 19,611,602.06

Total debt, principal and interest. 2,256,172,897.31

Total cash in the Treasury. 2,038,290,000.00

Aug. 1, 1879. 2,027,267,356.37

Aug. 1, 1878. 2,027,267,356.37

Increases of debt during month. 6,086,541.12

Increases since June 30, 1879. 6,086,541.12

Current liabilities: Interest due and unpaid. 4,891,602.32 Debt on which interest has ceased. 78,737,850.25

Gold and silver certificates. 18,920,550.00 United States currency. 12,814,822.25 Total certificates of deposit. 40,500,000.00 Cash balance available July 1, 1879. 128,303,335.55

Total. 262,008,275.06

Coloage Statement.

During the month of August there were coined at the several mints of the United States:

Double eagles. 12,250 \$2,450.00 Eagles. 12,250 12,250.00 Half eagles. 21,700 10,850.00

Total gold. 17,450 35,550.00 Standard dollars. 1,500,000.00 Silver dollars. 81,000 81,000.00 Total coinage. 2,681,450 \$4,681,000.00

Appropriations for the Current Fiscal Year.

The following is a statement of appropriations made during the third session of the Forty-sixth Congress and first session of the Forty-seventh Congress for the fiscal year ending June 30, 1880, and for deficiencies for former years, prepared by the Warrent Division, Treasury Department:

Appropriations. \$4,681,450.00 Legislative bill. 16,129,293.31 Sundry civil bill. 17,693,858.56 Army bill. 2,757,739.00 Navy bill. 14,928,468.35 Indian bill. 4,771,494.61 Fore and foreign bill. 27,000.00 St. Louis. 1,624,700.00 Post office bills. 5,872,375.19 Pension bill (regular). 29,360,000.00 St. Louis. 1,624,700.00 Consular and Diplomatic. 1,097,735.00 Expenses of United States. 2,095,122.77 Miscellaneous. 1,000.00

Total. \$162,404,697.76

Payments in July.

The payments made from the Treasury warrants during the month of July were as follows:

On account of: Civil and Miscellaneous. \$6,107,123.88 War. 1,357,773.00 Indian (Indian and Pension). 10,890,744.14

Total. \$28,355,640.99

The Fourth Auditorship.

Major Luther J. Harris appeared in the field yesterday as a candidate for the position of Fourth Auditor of the Treasury. His soldier record includes service at Vicksburg, for which he was recommended for promotion; at Williams Creek, and other points of interest in Missouri, and at Department Headquarters in St. Louis. As a civilian his record is equally bright, and he is urgently recommended by leading Republicans of his State and by many of other influences.

Ohio Auxiliary Campaign Committee.

A called meeting of Ohio voters resident in the city was held at the Republican Congressional Committee rooms last evening, and the organization of a committee auxiliary to the Ohio State Republican Central Committee was effected. The purpose of this committee is to aid in the success of the Republican ticket in Ohio during the present campaign. The following officers were elected: President, J. M. B. Williams; Secretary, George Richards; Treasurer, Committee on Transportation, W. J. Doehner; Committee on Finance, J. M. B. Williams; Committee on Documents, consisting of one member from each Congressional District; Committee on Preparing Lists of Voters, consisting of seven members. The meeting was well attended, and every one present seemed anxious to contribute to the grand success which awaits the Republican party in Ohio next October. The next meeting will be at the Republican Congressional Committee rooms on F street next Wednesday evening at eight o'clock, when a large attendance is expected.

Bread Riots Predicted.

QUEBEC, Aug. 1.—The papers here predict bread riots this winter on account of scarcity of work.

DEMOCRATIC DRAG NETS.

Progress of the Investigation at Cincinnati.

Witnesses Fail to Follow Instructions, and Refuse to Swear to Important Admissions—"Shay Put in Things Not Authorized"—Character of Francis Kentuckians Sustained—Witness Arrested.

Democratic Trickery Coming to Light.

CINCINNATI, Aug. 1.—The first witness before the Congressional investigating committee this morning was Sarah Harris, who had made an affidavit as to the frauds. Harris testified: Did not say I saw Francis with fifteen men on election day; had no conversation with any of them.

Mr. Brown read from Harris' affidavit wherein he stated that he had talked with some of them.

Witness replied there were statements in the affidavit that he did not make.

Mr. Brown read other portions.

Witness denied making the statements read, and said, "Shay put in things I did not authorize him to put in."

Mr. Brown then read nearly every statement in the affidavit.

Witness denied making a majority of them. Morris Moore appears in the affidavit several times as telling Harris that the Francis party were repeaters. Witness positively denied ever saying a word about Moore; had not seen him for two years; did not read the affidavit after they wrote it.

Patrick Bolan, city marshal of Covington, Ky., testified that he had certain Kentuckians who were alleged to have been brought from Covington by Francis. Some had pretty good character; others were rather dubious.

Mr. Campbell here stated to the committee that one witness, Charles Hayman, had just been arrested on a capias from the prosecuting attorney, Mr. Campbell said Mr. Wright had sworn that he had seen the witness on the night of the election. He asserted the arrest was made to get witness out of the way.

Mr. Conger said Mr. Hayman was arrested for rape.

John A. Goodson testified as to the character of the Kentuckians brought over by Francis, and gave the majority a rather good character.

The Labor Committee.

CHICAGO, Aug. 1.—The Congressional Labor Committee to-day heard William Stewart, wholesale grocer. He thought the country was in fine condition, and especially the Northwest. The only thing that would hinder the prosperity of the country was abundant money.

Chairman Wright: Don't you know \$400,000,000 are locked up in the United States Treasury? A—I know that if the gold was not locked up in the Treasury to secure them greenbacks would not be floating around the country. He believed in the gold standard, and money of the country and in letting out the money—gold and silver.

O. W. Potter, president of the North Chicago Rolling Mills, reported business very prosperous. He employed 4,000 men, and he looked for better prices for labor and products within the year. Prison labor was execrable. He thought the President did right to veto the anti-Chinese bill, because it violated a treaty, but he favored prohibiting Chinese immigration.

Coal Freight Circular.

PHILADELPHIA, Aug. 1.—The following circular has been issued by the Philadelphia Reading Railroad Company: On and after Friday, August 1, 1879, the option of the shipper, the freight and tolls upon Anthracite by canal from Schuylkill Haven to New York harbor, to points upon the Hudson river, or to the points upon Long Island Sound, exclusive of the charge of towing from New York City, will be 75 cents per ton, of the price, at which said coal is sold alongside at the point of delivery, except for the pen coal, for which the rate will be 75 cents per ton, but if the coal is sent in private or leased boats no higher rate of freight will be taken into account than that current in the company's line boats, and provided further that the above drawbacks will only be paid upon strict compliance on all details with the rules and regulations pertaining thereto issued by the secretary of the company.

Knights Templar Pilgrimage.

FOURTEEN MONROE, Va., Aug. 1.—R. E. James G. Bain, Grand Commander, has established his headquarters in the camp of Richmond Commandery No. 2, now here. This morning he gave a reception at which General and the officers of the post were present. At five p. m. Griet Commandery No. 16, of Norfolk, and Portsmouth Commandery arrived here on a visit to their Richmond friends. The three commanderies marched into the fort and joined the battalion, which was reviewed by General Getty and Grand Commander Bain, after which Griet Commandery gave an exhibition of the Templar drill, which was very fine. The Knights give a hop at the hotel this evening.

National Baptist Union.

FAIR POINT, N. Y., Aug. 1.—The second annual gathering of the National Baptist Union has just closed its session at Point Fair, N. Y. A most interesting and profitable session was held, and the members of the Union returned home with a new and eloquent sermon by the Rev. Reuben J. Coffey, D. D. of Brooklyn, N. Y., a most instructive and interesting address by the Rev. J. M. B. Williams, D. D. of Brooklyn, N. Y., and addresses have been delivered by eminent Baptist clergymen from various parts of the country and by distinguished men of other denominations.

Dishonest Letter-Carrier Arrested.

NEW YORK, Aug. 1.—Charles Basler, a letter-carrier employed in the postoffice here, was arrested today for embezzling letters which he had collected. When taken into custody five letters were found on him, one of them being addressed to Purcell & Co., exchange brokers, Montreal, Canada, and contained a small sum of money. Basler was taken before Judge Peck, who committed him to the city jail, where he admitted his guilt, and was held for examination. He was appointed letter-carrier in 1871, and collected and distributed letters in various city departments.

Judge Key's Journey.

BURLINGTON, Vt., Aug. 1.—Postmaster-General Key and party arrived this evening. The party were met at Wells River by State dignitaries and welcomed to Vermont. After supper the party were driven about Burlington, and later were serenaded. General Key appeared and was introduced by Hon. G. G. Benedict.

Secretary Sherman Called to Washington.

NEWPORT, R. I., Aug. 1.—Secretary Sherman arrived here at eight o'clock p. m. on the revenue cutter Grant from the eastward, with the intention of staying here a week, but on his arrival the Secretary found an important letter, which called him to Washington. He leaves tomorrow morning at five o'clock, reaching New York at six o'clock p. m. Saturday. He will leave New York Monday morning for Washington.

SPORTS OF THE TURF.

Saratoga Races Yesterday.

SARATOGA, N. Y., Aug. 1.—For the first race, dash of three-quarters of a mile, for a purse of \$300, the following pool was sold: Checkmate, \$100; Una, \$80; Gabriel, \$15; Pique, \$5. The field—Lady Middleton, Dell, Terror, Elastic, \$10. The race resulted in a dead heat between Checkmate and Lady Middleton; Gabriel third. Time, 1:37. Checkmate and Lady Middleton will run off the dead heat.

For the second race, a free handicap, one mile and a quarter, the following pool was sold: Fortuna, \$250; Jericho, \$50; Euclid, \$15; Blazon, \$10; Nipper, \$10. Fortuna won the second race, Jericho second, and Nipper third. Time, 2:02.

For the third race, a dash of one mile, for a purse of \$300, the following pool was sold: Skyline, \$250; Una, \$15; Fairy Maid, \$10; Bowstring, \$5; Audax, \$5. Lancelwood won, Fairy Maid second, and Audax third. Time, 1:40.

For the fourth race, a selling race, one mile, for a purse of \$300, the following pool was sold: Dan K. \$100; Charlie Gorham, \$25; Jackaroo, \$25. The field—Bill Dillon and Foxhunting, \$25. The race was won by Charlie Gorham, Jackaroo second, and Bill Dillon third. Time, 1:24.

Lady Middleton wins the dead heat easy. Time, 1:14.

Last Day of the Cleveland Races.

CLEVELAND, O., Aug. 1.—This was the last day of the Cleveland Club races. The attendance was large, but the track slow. Darby, the favorite, won the 215 race in three straight heats, and was the favorite in the 215 race, won the first, third and fourth heats; Kitty Bates winning the second. The third heat of the 215 race was trotted on a heavy track, and the horses trotting on the outside all the way round, which accounts for the slow time. The meeting has been a grand success in every particular.

SUMMARY.

225 class, purse \$1,200, divided: 1 4 1 1 2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 9 10 10 11 11 12 12 13 13 14 14 15 15 16 16 17 17 18 18 19 19 20 20 21 21 22 22 23 23 24 24 25 25 26 26 27 27 28 28 29 29 30 30 31 31 32 32 33 33 34 34 35 35 36 36 37 37 38 38 39 39 40 40 41 41 42 42 43 43 44 44 45 45 46 46 47 47 48 48 49 49 50 50 51 51 52 52 53 53 54 54 55 55 56 56 57 57 58 58 59 59 60 60 61 61 62 62 63 63 64 64 65 65 66 66 67 67 68 68 69 69 70 70 71 71 72 72 73 73 74 74 75 75 76 76 77 77 78 78 79 79 80 80 81 81 82 82 83 83 84 84 85 85 86 86 87 87 88 88 89 89 90 90 91 91 92 92 93 93 94 94 95 95 96 96 97 97 98 98 99 99 100 100 101 101 102 102 103 103 104 104 105 105 106 106 107 107 108 108 109 109 110 110 111 111 112 112 113 113 114 114 115 115 116 116 117 117 118 118 119 119 120 120 121 121 122 122 123 123 124 124 125 125 126 126 127 127 128 128 129 129 130 130 131 131 132 132 133 133 134 134 135 135 136 136 137 137 138 138 139 139 140 140 141 141 142 142 143 143 144 144 145 145 146 146 147 147 148 148 149 149 150 150 151 151 152 152 153 153 154 154 155 155 156 156 157 157 158 158 159 159 160 160 161 161 162 162 163 163 164 164 165 165 166 166 167 167 168 168 169 169 170 170 171 171 172 172 173 173 174 174 175 175 176 176 177 177 178 178 179 179 180 180 181 181 182 182 183 183 184 184 185 185 186 186 187 187 188 188 189 189 190 190 191 191 192 192 193 193 194 194 195 195 196 196 197 197 198 198 199 199 200 200 201 201 202 202 203 203 204 204 205 205 206 206 207 207 208 208 209 209 210 210 211 211 212 212 213 213 214 214 215 215 216 216 217 217 218 218 219 219 220 220 221 221 222 222 223 223 224 224 225 225 226 226 227 227 228 228 229 229 230 230 231 231 232 232 233 233 234 234 235 235 236 236 237 237 238 238 239 239 240 240 241 241 242 242 243 243 244 244 245 245 246 246 247 247 248 248 249 249 250 250 251 251 252 252 253 253 254 254 255 255 256 256 257 257 258 258 259 259 260 260 261 261 262 262 263 263 264 264 265 265 266 266 267 267 268 268 269 269 270 270 271 271 272 272 273 273 274 274 275 275 276 276 277 277 278 278 279 279 280 280 281 281 282 282 283 283 284 284 285 285 286 286 287 287 288 288 289 289 290 290 291 291 292 292 293 293 294 294 295 295 296 296 297 297 298 298 299 299 300 300 301 301 302 302 303 303 304 304 305 305 306 306 307 307 308 308 309 309 310 310 311 311 312 312 313 313 314 314 315 315 316 316 317 317 318 318 319 319 320 320 321 321 322 322 323 323 324 324 325 325 326 326 327 327 328 328 329 329 330 330 331 331 332 332 333 333 334 334 335 335 336 336 337 337 338 338 339 339 340 340 341 341 342 342 343 343 344 344 345 345 346 346 347 347 348 348 349 349 350 350 351 351 352 352 353 353 354 354 355 355 356 356 357 357 358 358 359 359 360 360 361 361 362 362 363 363 364 364 365 365 366 366 367 367 368 368 369 369 370 370 371 371 372 372 373 373 374 374 375 375 376 376 377 377 378 378 379 379 380 380 381 381 382 382 383 383 384 384 385 385 386 386 387 387 388 388 389 389 390 390 391 391 392 392 393 393 394 394 395 395 396 396 397 397 398 398 399 399 400 400 401 401 402 402 403 403 404 404 405 405 406 406 407 407 408 408 409 409 410 410 411 411 412 412 413 413 414 414 415 415 416 416 417 417 418 418 419 419 420 420 421 421 422 422 423 423 424 424 425 425 426 426 427 427 428 428 429 429 430 430 431 431 432 432 433 433 434 434 435 435 436 436 437 437 438 438 439